

TITLE 327 WATER POLLUTION CONTROL BOARD

IDEM-S SUGGESTED CHANGES TO PROPOSED RULE 327 IAC 2-11 CONCERNING GROUND WATER QUALITY STANDARDS

LSA Document #99-263

Revisions made by LSA under the Administrative Rules Drafting Manual (IC 4-22-8-4(a) (2)) and incorporated into the printed version (LSA Document #99-263) have been made in the version of the rule presented to the board for final adoption.

Page 4 1. 327 IAC
2-11-4(a)(1)

Delete Aor@ after
A**subsection (b)**@

Insert A,@ after A**subsection**
(b)@

Insert A, (d), or (e)@ after
A(c)@

Page 4 2. 327 IAC
2-11-4(a)(2)

Delete A(d)@ after
A**subsection**@

Insert A(f)@ after
A**subsection**@

Page 4 3. 327 IAC
2-11-4(c)(1)

Delete A**within an area of
probable cumulative
impact on the hydrologic
balance,**@ after A**Located**@

Insert A**in the zone of
influence**@ after A**Located**@

Insert A**commissioner** in

**consultation with the@
after Aas determined by
the@**

Delete Apursuant to IC
14-34-4-7(a)(3)(A)@ after
Adepartment of natural
resources@

Delete Afor@ before Aa coal
**mine that has been fully
released from the
performance bond
required by IC 14-34-6.@**

Insert Aof@ before Aa coal
**mine that has been fully
released from the
performance bond
required by IC 14-34-6.@**

Page 5 4. 327 IAC
2-11-4(c)(2)

Insert A, as determined by
**the commissioner in
cooperation with the
department of natural
resources,@** after ALocated
in the zone of influence@

Page 5 5. 327 IAC
2-11-4(d)

Insert the following new
subsection after the existing
subsection (c):

**A(d) Ground water is
naturally limited
according to this rule if it
is located within the
agricultural crop root
zone extending no deeper
than ten (10) feet below**

the land surface.®

Page 5 6. 327 IAC
2-11-4(d)

Reletter the existing
subsection (d) as (e)

Page 5 7. 327 IAC
2-11-4(e)

Reletter the existing
subsection (e) as (f)

Insert **Aor 6(e)®** after
Anumeric criteria
established in section
6(a)®

Page 5 8. 327 IAC
2-11-4(e)(1)(A)(ii)

Insert **Aor 6(e)®** after **Athe**
criteria established in
section 6(a)®

Page 6 9. 327 IAC
2-11-4(e)(1)(B)(i)

Insert **Aor 6(e)®** after **Athe**
numeric criterion
established in section
6(a)®

Page 6 10. 327 IAC
2-11-4(e)(1)(B)(ii)

Insert **Aor 6(e)®** after **Athe**
numeric criterion
established in section
6(a)®

Page 6 11. 327 IAC
2-11-4(f)

Reletter the existing
subsection (f) as (g)

Insert **Drinking water
class ground water**@ after
**The commissioner may
deny a request to classify
ground water as
impaired**@

Insert **or 6(e)**@ after **the
numeric criterion
established in section
6(a)**@

Insert **Drinking water
class**@ after
**Notwithstanding the
impaired**@

Insert **or a ground water
contamination assessment
or remediation**@ after **A
facility, practice, or
activity**@

Insert **Drinking water
class ground water**@ after
**Above the ground water
classified as impaired**@

Page 6 12. 327 IAC
2-11-4(g)

Reletter the existing
subsection (g) as (h)

Page 10 13. 327 IAC
2-11-6(b)

Delete **Ahealth protective
goal**@ after **AA facility,
practice, or activity shall
not cause the following**@

Insert **Aindicator@** after **AA facility, practice, or activity shall not cause the following@**

Page 10 14. 327 IAC
2-11-6(d)

Insert **Asite specific@** after **AIf the commissioner determines that a@**

Insert **Ato protect human health, any natural resource, or the environment@** after **Ain subsection (a) is necessary@**

Insert **AA drinking water class numeric criterion may be added to the criteria established in subsection (a) if adopted according to IC 13-14-9.@** after **Abe based upon appropriate toxicological data.@**

Page 10 15. 327 IAC
2-11-6(e)

Insert **Aor indicator levels@** after **Agreater than the drinking water numeric criterion@**

Page 11 16. 327 IAC
2-11-6(g)

Insert **Aor (e)@** after **Anumeric criterion established in subsection (a)@**

Page 11 17. 327 IAC
2-11-7(b)(2)

Delete **Aone (1)**@ after **Ato activities associated with coal mining shall meet**@

Insert **Athe greater**@ after **Ato activities associated with coal mining shall meet**@

Page 11 18. 327 IAC
2-11-7(b)(2)(A)

Delete **Aif it is greater than the numeric criterion established in section 6(a) of this rule**@

Page 11 19. 327 IAC
2-11-7(b)(2)(B)

Delete **Aif it is not greater than the numeric criterion established in section 6(a) of this rule**@

Page 11 20. 327 IAC
2-11-7(b)(3)

Delete **A, including a contaminant attributable to an activity regulated under 310 IAC 12-3-93.1, if the contaminant concentration exceeds the concentration attributable to a coal mining activity**@

Insert **Aor 6(e)**@ after **Anumeric criterion established in section 6(a)**@

Page 12 21. 327 IAC
2-11-7(c)

Insert the following new
subsection after the existing
subsection (b):

**A(c) Naturally limited class ground water, classified according
to section 4(d) of this rule, shall meet the following requirements:**

**(1)
Numeric
criteria
established
in
this
subsection
shall
be
met
at
and
beyond
the
boundary
of
the
ground
water
management
zone
established
according
to
section
9
of
this
rule.**

**(2)
A
contaminant
attributable
to**

**pesticides
and
crop
nutrients
used
for
agricultural
purposes
that
have
been
applied
in
a
manner
consistent
with
all
applicable
regulatory
requirements
shall
meet
the
greater
of
the
following:**

**(A)
The
existing
contaminant
concentration.**

**(B)
The
numeric
criterion
established
in
section
6(a)
of
this
rule.**

**(3)
A
contaminant
not
attributable
to
pesticides
and
crop
nutrients
used
for
agricultural
purposes
that
have
been
applied
in
a
manner
consistent
with
all
applicable
regulatory
requirements
shall
meet
the
numeric
criterion
established
in
section
6(a)
or
6(e)
of
this
rule.@**

Page 12 22. 327 IAC
2-11-7(c)

Reletter the existing

subsection (c) as (d)

Delete **A4(d)**@ after
Aaccording to section@

Insert **A4(e)**@ after
Aaccording to section@

Page 12 23. 327 IAC
2-11-7(c)(2)

Delete **A**criteria
**determined by one (1) of
the following**@ after
Anumeric criterion
**established in section 6(a)
of this rule shall have a**@

Insert **A**numeric criterion
**of ten (10) times the
drinking water class
numeric criterion
established in section 6(a)
of this rule**@ after
Anumeric criterion
**established in section 6(a)
of this rule shall have a**@

Page 12 24. 327 IAC
2-11-7(c)(2)(A)

Delete this clause

Page 12 25. 327 IAC
2-11-7(c)(2)(B)

Delete this clause

Page 12 26. 327 IAC
2-11-7(c)(3)

Insert **A**to protect human
**health, any natural
resource, or the
environment**@ after

Anumeric criterion
established in subsection
6(a) of this rule is
necessary@

Delete A**the contaminant**
shall have a criterion
determined according to
subdivision (2)(A).@

Insert A**a risk analysis shall**
be used to establish a
numeric criterion for that
contaminant and must:

(A) receive approval from the commissioner; and

(B)
be
based
on
appropriate
toxicological
data.@
after
the

comma.

Page 12 27. 327 IAC
2-11-7(c)(6)

Delete A**, for a ground**
water contamination
assessment or
remediation at a facility,
practice, or activity under
the jurisdiction of the
department of
environmental
management,@ after A**The**
commissioner may@

Delete A**within**@ after
A**applied to naturally**
limited class ground

water@

Insert **Aat and beyond@**
after **Aapplied to naturally**
limited class ground
water@

Page 13 28. 327 IAC
2-11-8

Delete **A4(e)@** after
Aclassified according to
section@

Insert **A4(f)@** after
Aclassified according to
section@

Page 13 29. 327 IAC
2-11-8(2)

Delete **Aone (1) of the**
following:@ after **Aof this**
rule shall meet@

Page 13 30. 327 IAC
2-11-8(2)(A)

Delete **A(A)@** but retain the
text that was clause (A)

Page 13 31. 327 IAC
2-11-8(2)(B)

Delete clause (B) and its
text

Page 13 32. 327 IAC
2-11-8(3)

Delete **Aone (1) of the**
following:@ after **Aof this**
rule shall meet@

Page 13 33. 327 IAC

2-11-8(3)(A)

Delete A(A)@ but retain the text that was clause (A)

Page 13 34. 327 IAC
2-11-8(3)(A)(i)

Reletter subitem (i) as clause (A)

Page 13 35. 327 IAC
2-11-8(3)(A)(ii)

Reletter subitem (ii) as clause (B)

Page 13 36. 327 IAC
2-11-8(3)(A)(iii)

Reletter subitem (iii) as clause (C)

Page 13 37. 327 IAC
2-11-8(3)(B)

Delete clause (B) and its text

Page 13 38. 327 IAC
2-11-8(4)

Insert **drinking water**@ after **Athat apply to a facility, practice, or activity with impaired**@

Page 13 39. 327 IAC
2-11-8(5)

Insert an additional subdivision to read as follows:

A(5) The commissioner may allow an appropriate

**site specific, risk based
numeric criterion
different from the
numeric criterion
established in this
subsection to be applied
to impaired drinking
water class ground water
at and beyond the
boundary of the ground
water management zone
established according to
section 9 of this rule@**

Page 13 40. 327 IAC
2-11-9(b)

Delete the text of
subsection (b)

Insert the following text at
subsection (b): **AA default
ground water
management zone shall
apply unless an agency
having jurisdiction over a
facility, practice, activity,
or a ground water
contamination assessment
or remediation has
established a program
specific or site specific
ground water
management zone under
subsection (c) or (d). The
boundary of the default
ground water
management zone shall
be located in accordance
with one (1) of the
following:**

- (1)
At
each
drinking**

**water
well
that
is:**

**(A)
within
three
hundred
(300)
feet
from
the
edge
of
a
potential
or
existing
contaminant
source
when
the
property
boundary
is
greater
than
three
hundred
(300)
feet
from
the
edge
of
a
potential
or
existing
contaminant
source;
or**

**(B)
within
the**

**property
boundary
when
the
property
boundary
is
less
than
three
hundred
(300)
feet
from
the
edge
of
a
potential
or
existing
contaminant
source.**

**(2)
The
property
boundary,
when
the
property
boundary
is
less
than
three
hundred
(300)
feet
from
the
edge
of
a
potential
or
existing**

**contaminant
source,
and
there
is
no
drinking
water
well
within
the
property
boundary.**

**(3)
Three
hundred
(300)
feet
from
the
edge
of
a
potential
or
existing
contaminant
source
when
the
property
boundary
is
greater
than
three
hundred
(300)
feet
from
the
edge
of
a
potential
or**

**existing
contaminant
source
and
there
is
no
drinking
water
well
within
three
hundred
(300)
feet
from
the
edge
of
a
potential
or
existing
contaminant
source.®**

Page 14 41. 327 IAC
2-11-9(c)

Insert A**and shall
determine its boundary
location and duration®
after A**may establish an
**appropriate program
specific or site specific
ground water
management zone®**

Page 14 42. 327 IAC
2-11-9(d)

Insert A**and shall
determine its boundary
location and duration®**

after ~~A~~may establish an
**appropriate program
specific or site specific
ground water
management zone**@

Page 14 43. 327 IAC
2-11-9(e)

Delete subsection (e)

Page 15 44. 327 IAC
2-11-9(f)

Reletter subsection (f) as
subsection (e)

Delete ~~A~~or@ after
**Aboundaries are present
at a facility, practice**@

Delete ~~A~~an@ after ~~A~~activity,@

Insert ~~A~~or **ground water
contamination assessment
or remediation, then the**@
before ~~A~~agency@

Insert ~~A~~or **agencies with
jurisdiction**@ after
~~A~~agency@